

**FILED**

JUL 11 2008

*[Signature]*  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
\_\_\_\_ DIVISION

Mark L. Stauffer  
Plaintiff,

CIV 08-4111

vs.

COMPLAINT

South Dakota Dept of Corrections *EF: ALB*  
Defendant.

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes ( ) No (X)

B. If your answer to "A" is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs \_\_\_\_\_  
\_\_\_\_\_

Defendants \_\_\_\_\_  
\_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county)

\_\_\_\_\_  
\_\_\_\_\_

3. Docket number \_\_\_\_\_

4. Name of Judge to whom case was assigned \_\_\_\_\_

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

6. Approximate date of filing lawsuit \_\_\_\_\_

7. Approximate date of disposition \_\_\_\_\_

II. PLACE OF PRESENT CONFINEMENT Mike Duerfee State Prison

A. Is there a prisoner grievance procedure in this institution? Yes ☒ No ( )

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes ☒ No ( )

C. If your answer is yes,

1. What steps did you take? Informal Resolution,  
Administrative Remedy, Appeal to Secretary of Corrections

2. What was the result? Denial, Denial,  
Partially granted by S.O.C.

D. If your answer is no, explain why not \_\_\_\_\_

E. If there is no prison grievance procedure in the in the institution, did you complain to prison authorities? Yes ( ) No ( )

F. If you answer is yes,

1. What steps did you take? \_\_\_\_\_

2. What was the result? \_\_\_\_\_

III. PARTIES

In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff Mark L. Staufer  
Address 1412 Wood Street Springfield, SD 57062

In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.

B. Name of Defendant South Dakota D.O.C. Et Al.  
MDSP ~~\_\_\_\_\_~~ who is employed as  
at Springfield, S.D.  
(2)

C. Additional Defendants <sup>Sgt.</sup> Mudder, <sup>Warden</sup> Weber, <sup>Lori</sup> Drotzman,  
Cpl. Lowe, Michelle Oas, Misty Waagameester  
Cpl. Sestak

#### IV. STATE OF CLAIM

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet(s) if necessary.

*My outgoing mail was read - taken out of context, and I was censored. Cpl Sestak was the officer who decided my thoughts + analogies were "threatening".*

*Sgt Mudder was DHO officer, she condoned and aided the censorship process by sentencing me to the SHU for 90 days, uphold the 5-12 and had me sent to the Hill.*

*Warden Weber denied my appeal for reduction or expungement of the alleged offense.*

*By firing me and disallowing me to work in the education dept, Lori Drotzman has shown me prejudice based on lies.*

V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

*I would like the Court to award me for damages as my 1<sup>st</sup>, 5<sup>th</sup> and 14<sup>th</sup> Amendment Rights have been violated. I am a Minimum threat inmate that, due to these people's neglect was put in harm's way.*

*I am asking for reparation in the amount of 10 million dollars, and Relief from the sanctions that these people have imposed upon me.*

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signed and executed this 3<sup>rd</sup> day of July, 2008. (Print name and executed full)

*[Signature]*  
 Signature of Plaintiff

(9/96)

SEE  
 Attached

State of Claim :

My outgoing mail <sup>was</sup> read, and summarily taken out of context by Cpl. Sestak. Cpl. Loewe recieved a Informational from Sestak, and created a 5-12 disciplinary sanction. Alleging that I (Mark L. Stauffer) "Threatened a Non-INMATE with bodily harm,....."

This deduction was formed when a letter I wrote to my sister-in-law (Regina Stauffer) in which I briefly described the conditions in working for Judy Kuckleberg.

Sgt. Mudder was the D.H.O. hearing officer. She could have recognized the sarcasm, and lack of intent, but chose to inflate the situation and find me guilty of the 5-12, where she sentenced me to the S.H.U. for 90 days, and ultimately had me sent to the Hill in Sioux Falls.

The Unit Coordinator, Michelle Cas, recieved the first Informal Resolution. She advised me that the Nature of my Crime that landed me in prison is violent, thus I am a Violent offender, and she would do nothing to reduce or espunge the 5-12 write-up.

Next, Warden Doug Weber recieved my request for Administrative Remedy. The research was ~~done~~ done by his Staff representative, Misty Wagameester. My request for espungement, or redaction was again denied, and I was relegated to confinement with violent criminals in a high security facility.

My final appeal was to the Secretary of Corrections, Tim Reisch. The Secretary did grant me a partial appeal, when I stated the unconst. tutionality of the Sanctions and its' allegations.

The Secretary reduced the severity of the incident to a 4-1: Insolence toward any non-inmate, or in reference to any non-inmate.

I was returned to a Trustee Unit in Yankton, SD in Feb. of 2008, where another opportunity to work in the Education Dept presented itself. Approx. the first week in March. Lori Drotzman hired me, and I was trained by inmates. I trained the first half day with inmate Schjole, Chad. I worked almost a full day with a couple of others ~~there~~ the next day.

At the end of that second day Ms. Drotzman called me into her office and told me that because of a phone call she recieved pertaining to an incident at MDSP, she didn't want me in her work area either. I was released without an opportunity to discuss or defend my position.

It was because of the write up that I was viewed as non-compliant my D.O.C. Rules.

The Non-Compliance is further discipline for the Staff violating my Constitutional rights, and has led to ineligability for Parole in June of 2008.

My intent is to sue the defendant in his/her official, and individual capacity for the relief of damages.

Re: Pet:

I am asking the Courts to award me for damages as my 1<sup>st</sup>, 5<sup>th</sup>, and 14<sup>th</sup> Constitutional Amendment Rights have been violated.

I always have been, and still am a Minimum Security inmate. Due to these people and their neglect, unprofessionalism, and over zealous attitude, I was put in harm's way, and my freedom was denied.

I am asking for reparation in the amount of 10 million dollars, a written apology from each of the defendants, espungement of any and all records or sanctions concerning the related incidents, and I would like to be released from the South Dakota State Penitentiary system without further prejudice, or retaliatory discipline.

I do not feel a jury trial is necessary, but would like to recuperate the costs of filing the petition against these defendants. Said filing fees are approximately \$350.

These actions are done to sue the defendant in his/her official and individual capacity for relief of damages.

Mark Stauffer 49005  
Missouri State Prison  
1412 Wood Street  
Springfield, SD 57062

Clerk, U.S. District Court  
Room 128  
400 South Phillips Ave.  
Sioux Falls, South Dakota  
57104

**LEGAL  
MAIL**